

Remarks

In the office action, the disclosure was objected to because the detailed description does not describe how the “elastomer layers” are connected to the other parts of the disclosed invention. In addition, the detailed description was objected to for failing to provide proper antecedent basis for some of the claimed subject matter. Claim 5 was rejected as being redundant. Finally, claims 1-7, 11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent No. 0 592 297, issued to Gerard (“Gerard”).

In this response, Applicants have amended the specification to add several paragraphs to the detailed description. Support for the added paragraphs is found in the application as filed. No new matter has been added. In addition, claims 1, 14 and 16 have been amended and claim 13 has been cancelled. Upon entry of the amendments, claims 1-7, 11 and 14-18 remain pending in this application. Applicants respectfully request reconsideration and withdrawal of objections and rejections in view of the amendments and following remarks.

A. Finality of the Rejections:

Though it was a first office action in this continuing application, the Examiner made the rejections in the Office action final, stating that “[a]ll claims are drawn to the same invention claimed in the application prior to the submission under 37 CFR 1.114” and citing to MPEP §706.07(b). Applicants respectfully submit that the finality of the rejections was improper.

According to MPEP §706.07(b), the claims of a new application may be finally rejected in the first Office action in those situations where:

(A) the new application is a continuing application of, or a substitute for, an earlier application, and

(B) all claims of the new application

(1) are drawn to the same invention claimed in the earlier application, and

(2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.

Thus, only if all of the requirements of MPEP §706.07(b) are met, is finality on a first action proper.

Applicants respectfully submit that the requirement that *all* claims be drawn to the same

invention claimed in the earlier application is not met here. In the previous response, Applicants amended independent claim 1 to include the feature of claim 5 that the joint axes of each articulated lever are parallel to one another. Because dependent claims 2-4, 6, 7, 11 and 13-18 each ultimately depend from independent claim 1, the scope of those claims was also changed with the amendment to claim 1. Therefore, each of those claims were drawn to an invention that had never been claimed in the previous application. Specifically, none of those 12 claims had previously included the limitation of the joint axes being parallel to one another.

That the Examiner rejected each of those claims based on the same reference is not a sufficient reason to make the rejection action final. Rather, in a first office action, the additional requirement that those claims be drawn to the same invention as claimed in the previous application must also be met. That requirement is clearly not met here where at least 12 claims were drawn to subject matter never before claimed in the previous action.

Withdrawal of the finality of the rejection is therefore respectfully requested.

B. Objections to the Specification for Informalities:

The disclosure was objected to because the detailed description does not describe how the “elastomer layers” are connected to the other parts of the disclosed invention. In addition, the detailed description was objected to for failing to provide proper antecedent basis for some of the claimed subject matter.

Applicants have amended the specification to add paragraphs [0023] to [0027] to the detailed description. Support for the new paragraphs is found in the application as originally filed, specifically, paragraphs [0005] to [0009], respectively. No new matter has been added.

Applicants respectfully submit that the detailed description now sufficiently describes how elastomer layers 20 are connected to the other parts of the disclosed invention. See, e.g., paragraph [0027] and Figs. 1 and 4.

With respect to the Examiner’s other specific objections, applicants respectfully submit that proper antecedent basis is now provided in the detailed description for the “at least three identical articulated levers” in claims 1 and 6, and for “at least three identical articulated levers” in claim 2. See, e.g., paragraph [0023]. Furthermore, the detailed description also provides proper antecedent basis for the features of claims 6 and 16. See, e.g., paragraphs [0025] and [0027] respectively.

C. Claim 5:

Claim 5 was rejected as being redundant.

Applicants has amended claim 1 to remove the feature of claim 5 that the joint axes of each articulated lever are parallel to each other. As a result, claim 5 now properly depends from, and further limits claim 1 as amended.

Withdrawal of the rejection to claim 5 is respectfully requested.

D. Rejections under 35 U.S.C. §102(b) based on Gerard:

Claims 1-7, 11 and 13-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gerard.

Gerard describes a rotational coupling device for two independent, aligned transmission shafts.

Applicants have amended claim 1 to recite that each of the elastic joints includes a bearing having an elastomeric layer. Support for the amendment is provided in the specification, for example, at paragraphs [0006], [0009], [0027], and Figs. 1 and 4. Applicants respectfully submit that Gerard does not show any joint that includes a bearing having an elastomeric layer. On the contrary, Gerard describes journal pairs 24 and 14 received within openings 32 and 36 of levers 30 and held with screws 33 and 37 respectively. See Fig. 8. There does not appear to be any disclosure of a bearing described at those openings, and there is certainly no description of a bearing including an elastomer layer as described in applicants application and as recited in claim 1. The only reference to an elastomer in Gerard, as best understood, is in reference to deformable elements 40, which are disposed between ends of lever 30. See Figs. 9 and 10. Thus the levers 30 include a hinged connections at their center with an elastomer to allow the lever to bend axially. However, the elastomer of the deformable elements 40 not part of any bearing of the joints 32 and 36 receiving the journals 24 and 14.


Withdrawal of the rejections under 35 U.S.C. § 102(b) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris, Reg. No. 38,156
(signing for Thomas P. Canty, Reg. No. 44,586)

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940